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Security Council

Seventy-second year

Provisional

8107th meeting

Friday, 17 November 2017, 6.15 p.m.

New York

President:	Mr. Cardi	(Italy)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Wu Haitao
	Egypt	Mr. Aboulatta
	Ethiopia	Mr. Alemu
	France	Mr. Delattre
	Japan	Mr. Bessho
	Kazakhstan	Mr. Sadykov
	Russian Federation	Mr. Nebenzia
	Senegal	Mr. Seck
	Sweden	Mr. Skoog
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Mrs. Haley
	Uruguay	Mr. Bermúdez Álvarez

Agenda

The situation in the Middle East

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The meeting was called to order at 6.20 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President: The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2017/970, which contains the text of a draft resolution submitted by Japan.

I now give the floor to those members of the Council who wish to make statements before the voting.

Mr. Bessho (Japan): The use of chemical weapons is entirely unacceptable under any circumstances. There is full agreement within the Security Council on this point, and it is shared by the entire international community. We jointly condemn in the strongest possible terms the use of chemical weapons in Syria, which has resulted in the deaths of many civilians. Members of the Security Council also share the view that the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM), an important Council product of 2015, should continue to work.

Yesterday, however, two draft resolutions — both of which proposed to extend the JIM's mandate for another 12 months — failed to be adopted. Japan has proposed a draft resolution (S/2017/970) to allow for further discussions among Council members to consider the future of the JIM. We hope that the proposed report to be submitted by the Secretary-General on proposals for the structure and methodology of the JIM, reflecting the views of Council members, will help us to find the best way forward.

Chemical-weapons use in Syria continues. Until all perpetrators have been identified, the work of the JIM should continue. The Council is ultimately responsible for ensuring accountability for the use of chemical weapons, and the JIM is vitally important for pursuing that task. Japan hopes that the Council can adopt the draft resolution.

The President: The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:
Egypt, Ethiopia, France, Italy, Japan, Kazakhstan, Senegal, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay

Against:
Bolivia (Plurinational State of) and Russian Federation

Abstaining:
China

The President (*spoke in Spanish*): The draft resolution received 12 votes in favour, 2 against and 1 abstention. The draft resolution has not been adopted, owing to the negative vote of one permanent member of the Council.

I now give the floor to those members of the Council who wish to make statements after the voting.

Mrs. Haley (United States of America): In a world in which the Council's time and attention could be productively devoted to 100 different things, Russia is wasting our time. Conflicts are raging. Outlaw States are acquiring nuclear weapons. The human dignity of millions is violated every day. Brutal regimes are using chemical weapons on their own people.

All the members of the Council and their staff have worked for months on preserving and strengthening the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM). We have worked knowing that lives were at stake. We have worked knowing that the international chemical weapons non-proliferation regime was also at stake. And all that time — hundreds of hours — has been for nothing.

As we have long suspected, Russia does not now and has never had any intention of making this time productive for the Council and the international community. Russia's veto — its second in 24 hours — shows us that Russia has no interest in finding common ground with the rest of the Council to save the JIM. Russia will not agree to any mechanism that might shine a spotlight on the use of chemical weapons by its ally, the Syrian regime. It is as simple and shameful as that.

Japan's draft resolution (S/2017970) — a short-term measure to buy us more time to find a way

forward — was a stop-gap measure. But it was our last, best chance to stay united. The adoption of the draft resolution would have shown the world that the Council will always try to overcome our differences, especially when confronted by the most serious threats to peace and security.

In recent weeks, all Council members have professed an interest in credible, impartial investigations of chemical-weapons use in Syria, and all Council members have underscored the need for the JIM to employ high standards and present credible evidence. Japan's draft resolution tried to build on these points of agreement. Russia was one of the voices calling for an independent and impartial JIM. In the draft resolution it offered yesterday (S/2017/968), it called on the Secretary-General to solicit recommendations from Council members to strengthen the JIM. As a sign of their willingness to compromise and their openness to addressing Russia's concerns, the Japanese included in their draft resolution a provision that is virtually identical to the Russian language.

I invite my colleagues to examine the two draft resolutions side by side. The language in the draft resolution just vetoed by our Russian friends was virtually the same as the text in their own resolution, and still they saw fit to waste our time. Russia's actions — today and in recent weeks — have been designed to delay, to distract and ultimately to defeat the effort to secure accountability for chemical weapons attacks in Syria. Russia never invited Council members to provide input on its own draft resolution — a text that yesterday received only four votes in favour. And Russia declined to propose any textual edits to the United States draft. We even incorporated elements of the Russian draft into our own in the hope that they would engage with us. Indeed, from the very beginning, Russia has not negotiated with any of us. Russia has just dictated and demanded. That is not how the Security Council is supposed to work. That is not how the Security Council can work.

I want to extend the sincere thanks of the United States to those Council members that worked so hard — and gave Russia a second, third, fourth and fifth chance — to protect innocent civilians from chemical attacks. It is a credit to them and a win for the cause of the non-proliferation of chemical weapons that the draft resolution received such broad support.

There remains overwhelming international support for investigating chemical weapons attacks in Syria and for holding accountable the perpetrators. To the families of the victims of chemical weapons in Syria — and to the Syrian children, women and men who may be victims of future attacks — I extend our most sincere apologies. They should know that the United States, along with the rest of the Council, will not give up on seeking justice for their lost loved ones and protection for their families. They should know that Russia can obstruct the Council but that it cannot obstruct the truth. With the unity of the Council, or alone and unrestrained by Russia's obstructionism, we will continue to fight for justice and accountability in Syria.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): At the outset, I should like to thank the Japanese delegation for submitting draft resolution S/2017/970 today.

As we reiterated yesterday (see S/PV.8105), experience has proved throughout the existence of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) that there is an urgent need to improve its working methods, in particular by conducting field visits to the sites where the use of chemical weapons is being investigated — including the inspection, recording and collection of evidence and samples in a timely fashion — and by considering all potential scenarios relating to the use of chemical weapons. Egypt has tried to ensure that any draft resolution of the Security Council on the extension of the JIM mandate would guarantee these measures without delving into technicalities that would undermine the implementation or independence of the Mechanism, and in a way that would provide a solid and sound foundation for its conclusions.

In line with the position that we have expressed previously and reiterated yesterday in explaining our abstention in the voting on the two draft resolutions that were before us, and also in line with our resolve to guard against the recurrent use of chemical weapons against our brethren in Syria and the need to identify the perpetrators of earlier crimes, we supported the Japanese draft today because it provides an opportunity to maintain that international tool, open broad prospects for the restructuring and development of the working methods of the Mechanism, and promote its credibility and the independence of its investigations.

We therefore express our regret that the Council could not adopt the draft resolution today and deplore the lack of trust among its members. However, we reiterate that we remain willing to work with our partners in the Security Council in the remaining weeks of our membership to consider any alternative that would achieve the purposes of the JIM in Syria.

Mr. Delattre (France) (*spoke in French*): France is appalled by the result of the voting as a result of Russia's veto — its third on the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM), its fifth on the Syrian chemical dossier this year, and its eleventh on Syria. Let us be clear. We respect and will always respect Russia, to which we are linked by many ties, but this growing number of vetoes raises questions. The question raised today is especially grave because it is fraught with potential consequences for the fight against the proliferation and use of chemical weapons. Today's veto poses a serious threat to our common security.

What is at stake? If the JIM mandate is not renewed before midnight, it will be dissolved. That means that months of joint and good faith effort against the proliferation and use of chemical weapons in Syria will disappear with it. The goal of draft resolution S/2017/970, submitted by Japan — whose commitment I warmly commend — was a purely technical renewal of the regime for one month. It did not require a political statement of position, much less of ideology. It was a neutral, technical text that would have given us the time necessary to consider and discuss — in a word, to reach agreement and demonstrate to the entire world that the Council can meet its responsibilities.

If we do not take care, the outcome of today's voting as a result of Russia's veto could have a threefold effect. First, without any new development before midnight, it would signify ipso facto the end of the JIM, a mechanism created by the Council at the initiative of Russia and the United States to combat the proliferation and use of chemical weapons in Syria. Secondly, the vote threatens to undermine the mechanics of the international chemical non-proliferation regime. It will be interpreted by some as giving carte blanche to the proliferation and use of such weapons elsewhere, since we have been collectively incapable of preventing or punishing it in Syria. Moreover, it threatens to create a fertile breeding ground for chemical terrorism, which we will fear. Thirdly, given the fact that the international chemical non-proliferation regime is highly evolved, its weakening could establish a dangerous and potentially fatal precedent for the other non-proliferation regimes, which the community of nations drafted and developed patiently year after year, stone upon stone, over preceding decades and which constitute the backbone of our collective security.

If all of this should come about, we will pay a heavy price for it. We must therefore not be discouraged by these disastrous possibilities. If we believe in what we do — if each of us believes that we are here for a reason and with a mission — it is impossible to give up. We have no right to do so. I therefore wish to share France's deep conviction that today's disastrous vote cannot be the final word. France will resign itself neither to this apparent failure nor to political games that fall far short of what is at stake. In the face of the enormity and gravity of those stakes, we have no right to give up while the eyes of the entire world are upon us. We have no right to be discouraged. My country can be relied upon to pursue its efforts in all appropriate forums in order to combat impunity in Syria and elsewhere and to promote, everywhere and at all times, the strengthening of the non-proliferation regimes on which everyone's security depends.

Mr. Rycroft (United Kingdom): Last month, I was disappointed that a simple technical rollover of the mandate of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) was blocked by Russia. Yesterday, I was deeply disappointed that, even after extensive efforts to reach an agreement, a further reasonable attempt to renew the mandate was again vetoed by Russia. That veto seriously damaged my hope that those using chemical weapons in Syria would be identified and held to account.

But now, I am frankly astounded that Russia has rebuffed Japan's perfectly sensible proposal to ask the Secretary-General and the Director General of the Organization for the Prohibition of Chemical Weapons to consider the structure and methodology of the JIM. This third veto in a month clearly exposes — if it was not already obvious — Russia's determination to protect its Syrian ally, regardless of the harm it causes to the ban on the use of chemical weapons, to the wider international system of rules, and to Russia's own reputation.

The Council set up the JIM unanimously as the most appropriate mechanism to investigate allegations of

chemical-weapons use in Syria, and since its inception it has had many successes. Its experienced and expert staff have demonstrated complete impartiality. Its investigations have been professional, thorough and rigorous. It has concluded that the Syrian regime is responsible for blatant, repeated use of chemical weapons against its own people in an increasingly reckless and deadly manner. It has also found that Da'esh is responsible for the use of chemical weapons in Syria. The failure to renew the JIM is a failure to uncover the truth behind the conduct of all actors who used chemical weapons in Syria.

As I said yesterday (see S/PV.8105), those of us who are committed to upholding the international system will not cease in our efforts to stop the use of chemical weapons and to identify and hold to account those who use these vile weapons. We will keep going not only to bring justice to those who have suffered from the use of these despicable weapons, but also to deter those who might think of doing so in the future.

Mr. Skoog (Sweden): I will be brief. In my grief, I do not need to repeat what I said in the Chamber yesterday (see S/PV.8105) about the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) and the importance of maintaining it. We appreciate the efforts made by you, Mr. President, and other partners in trying your very best to extend the mandate of the JIM. We deeply regret that again this was not possible. We believe that we all as, members of the Council, have the responsibility to do everything possible to ensure accountability for the use of chemical weapons and that there is no further proliferation of such weapons.

Therefore we ask that informal consultations be convened immediately following this meeting to ensure that we are absolutely convinced that we have exhausted every avenue and every effort before the mandate of the JIM expires later tonight.

Mr. Yelchenko (Ukraine): I can hardly find the words to express my frustration over the voting outcome. We did not have any illusions about it, but some hope remained until the very last moment. It vanished very quickly, however. Ukraine voted in favour of draft resolution S/2017/970, fully realizing its crucial importance, not only for the existence of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM), but, ultimately, for the entire non-proliferation regime.

I wish to recall that Ukraine was among those States that supported the technical rollover of the JIM's mandate for one year as the best option. We were trying hard to avoid a repetition of last year, when mandate negotiations in 2016 put a strain on the Mechanism's activities. This year, the world is witnessing an even more dramatic situation. The obstruction by one Security Council member deprived the JIM of any chance of continuing its important work. Yesterday's and today's meetings have clearly demonstrated that the Russian Federation will never allow an independent investigation of the horrible crimes in Syria to take place, regardless of the document proposed.

Despite numerous attempts and the faithful efforts of the Council's majority to secure the JIM, Russia is the only country that preferred to do its utmost to protect both the Al-Assad regime and the Islamic State in Iraq and the Levant from being held accountable. It did so intentionally and in an extremely cynical way. Given the fact that the vast majority of incidents in which chemical weapons were probably used have not yet been investigated, we do not exclude the possibility that the Russian side might also be interested in preventing the JIM from uncovering the truth about those cases. Such desperate efforts to shut down the JIM at all costs actually raise a serious question regarding the identity of those who possibly directly sponsored such crimes.

The Russian delegation continues to recall that, together with the United States, it initiated the establishment of the JIM. It should now take full responsibility for unilaterally killing it. It is our strong belief that, notwithstanding the current situation, we have to continue to spare no effort to avert the increasing risk of the further use of chemical weapons, while bearing in mind the innocent victims who have already paid the ultimate price. Preventing such crimes in the future is vital and necessary.

In conclusion, the Russian delegation sees no problem in interrupting the JIM's mandate. Let us not fool ourselves. Once the JIM's mandate ends tonight, there will be nothing to roll over. In their statements, many delegations committed to continuing to work on the JIM. We should realize that, as of tomorrow, we will have to begin those efforts from scratch.

Mr. Bermúdez Álvarez (Uruguay) (*spoke in Spanish*): Uruguay voted in favour of draft resolution S/2017/970, introduced by Japan for the following reasons.

First, the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) was established by resolution 2235 (2015). It is our Mechanism.

Secondly, if the JIM were allowed to pursue its work on the use of chemical weapons on a regular basis, it would identify those responsible for the use of those banned weapons, which constitutes atrocious crimes directed against innocent civilians. The JIM is crucial for combating impunity.

Thirdly, based on my second point, the work of the JIM could be a deterrent to the use of those weapons in other conflicts.

Fourthly, in such a long-standing and complex conflict as that in Syria, whose political and humanitarian dimensions we assess every week in the Security Council, along with the chemical weapons dossier, it is best to have a dedicated mechanism like the JIM to address it.

Fifthly, as we said yesterday (see S/PV.8105), it is paradoxical that the Security Council, which established the JIM in the first place, has decided to sign its death warrant.

In conclusion, we call once again for an end to the current polarization and impasse in the Security Council, and for the time necessary to be set aside to save the Mechanism. To that end, we echo the request made by the representative of Sweden.

Mr. Sadykov (Kazakhstan): As we said yesterday (see S/PV.8105), Kazakhstan attaches great importance to the continuation of the work of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM). The possible ways of improving the structure and the mandate of the Mechanism are a subject worthy of further discussion and negotiations. In that regard, the proposed technical draft resolution has a special provision for the possibility of a break in the continued operation of the Mechanism, and is acceptable to my delegation. That is why we supported draft resolution S/2017/970.

It is regrettable that we were unable to save the Joint Investigative Mechanism. My delegation calls on the parties concerned to continue dialogue so as to find common ground. Should there be a need with regard to mediation assistance in order to bring the two sides together and reconcile their divergent positions, Kazakhstan stands ready to take such an initiative. Time is of the essence, and we see a great need for all of us to arrive at a mutually satisfying path leading towards a unified vision for the future of the JIM.

Mr. Llorentty Soliz (Plurinational State of Bolivia) (*spoke in Spanish*): I will also be very brief. First of all, allow me to thank Japan for introducing draft resolution S/2017/970, which was intended to provide a solution to this difficult process. This morning during consultations, we once again condemned the use of chemical weapons and advocated for the need of an independent and impartial investigation to identify those responsible for those atrocity crimes. Similarly, we expressed our concern about the lack of communication among members of the Security Council that has currently led us to exactly the same situation as yesterday (see S/PV.8105).

We once can express our gratitude for the draft proposal. We endorse many of its principles, but we regret the fact that without the participation and input of all actors, we will predictably repeat the same scenario. In that vein, we believe that we continue to be faced with the task of ensuring that the use of chemical weapons in Syria or anywhere else is duly investigated. We believe that the Council must continue to work on this issue until we reach a full consensus so as to avoid repeating the situations in which we find ourselves today, and found ourselves yesterday.

My delegation therefore joins the representative of Sweden in proposing that, at the end of this meeting, we meet for informal consultations on the matter.

Mr. Wu Haitao (China) (*spoke in Chinese*): The situation in Syria is at a critical stage. The political process is facing important opportunities. Any action taken on the Syrian issue must focus on further advancing the overall political process and strive for long-term stability and security in that country. We have repeatedly explained our position on the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM). Significant differences persist among Council Members on the issue. It is imperative for the parties to remain calm, exercise restraint and find an appropriate solution that is acceptable to all through patient consultations.

Given the major differences among Council Members, forcing a vote does not contribute to resolving the issue of chemical weapons in Syria or serve to safeguard the unity and authority of the Council, nor does it help to advance the political

process in Syria. China felt that it had to abstain in voting on draft resolution S/2017/970. We once again regret the division seen on the Council today.

Mr. Nebenzia (Russian Federation) (*spoke in Russian*): The Russian delegation has participated in good faith in all the consultations, multilateral and bilateral, designed to bring the positions of Security Council members closer on the extension of the mandate of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) to investigate instances of chemical weapons used in Syria. Any attempt to present things differently amounts to nothing but intentional disinformation.

We note the initiative of our Japanese colleagues, which they presented with the intention of helping to find a way out of the situation. But we cannot support their proposal for a short technical extension of the JIM's mandate. We informed the members of the Council of that decision and explained our reasons. The draft resolution (S/2017/970) was nevertheless put to the vote. This step has nothing to do with anxiety about the fate of the Mechanism, since everyone knows that it is winding up its work today. As far as we are concerned, no extension of the JIM's mandate is possible unless we fix the fundamental shortcomings in its work. Any other possibility can be excluded since the Mechanism leadership — already covered with shame thanks to its fictitious investigation of the episode of sarin use in Khan Shaykhun — has signed on to the unsubstantiated accusations that have been made against Syria.

I do not really know whether those who have been condemning Russia so vehemently today have actually read the report or our comments on it. Japan's draft resolution has presented the Secretary-General with the impossible task of submitting proposals that reflect the views of the members of the Security Council. As our heated discussion has emphasized, in many respects they are diametrically opposed.

We cannot consider the subject of extending the JIM in isolation from the general context. Yesterday's Security Council meeting, which was politically loaded in ways that had very little to do with chemical weapons in Syria, left a very unpleasant aftertaste. We are even more alarmed about what is going on in the Organization for the Prohibition of Chemical Weapons. The United States delegation introduced a draft resolution (S/2017/962) that essentially paves the way for giving Syria an ultimatum. What are they trying to achieve? Destruction of the results of the unprecedented collective efforts to accomplish Syria's chemical demilitarization that Russia and the United States launched? Have they thought about the consequences of the steps they have taken in New York and The Hague for a political settlement in Syria? What is going on now in the Security Council in New York, and what they came up with in The Hague, are links in a single chain.

Opinions have been voiced that a failure on the part of the Security Council to come to a decision on extending the JIM might reflect badly on the Council's authority and dignity. We suggest looking at it from the other direction. Will it really add to the Security Council's authority if we extend the life of a body that for the past two years has been rubber-stamping unsubstantiated accusations against Syria, as if nothing had happened? Is that worth making the Security Council an accomplice in a grandiose fraud? Did it look good when, at the April meeting convened after the American air strike on the Shayrat airbase (see S/PV.7922), many delegations either acted as if nothing had happened or flat-out supported an act of aggression against a sovereign State?

There is absolutely no basis for assuming that ending the work of the JIM signals the emergence of some kind of new challenges to the regime of the non-proliferation of weapons of mass destruction, whose implementation Russia views with the greatest possible feeling of responsibility. That has been our historical role, and we cherish it. The non-proliferation regime depends on international instruments that have nothing to do with the JIM. But what really needs attention is the growing threat of chemical terrorism in the Middle East.

What has been going on here today is like a bad play. Russia is blamed for shutting down the JIM. The people claiming that seem to have short memories. Have they forgotten that yesterday it was they who shut it down by voting against the draft resolution submitted by Russia, China and Bolivia (S/2017/968)? Yesterday, when a vote was taken (see S/PV.8105) on the Russian-Chinese draft resolution submitted by Bolivia, the Council had a good opportunity to give the Mechanism a new chance by improving and strengthening it. But the effort was blocked — effectively vetoed by three permanent members of the Council. Do not bother trying to lay the responsibility on Russia now. It was a conscious choice on the part of those whose priority

clearly has nothing to do with ensuring an objective investigation of chemical crimes in the region but is all about keeping the pressure on Syria and having confrontations with Russia.

There is no need to create drama out of the end of the JIM's work. There is nothing preventing Council members from continuing to discuss the question of improving this instrument with a view to its possible resumption of its work in the future. But for that it is essential to come to a common understanding of the importance of eliminating the JIM's systemic shortcomings, which have ruined it. Our draft resolution remains on the table. If those who are concerned about renewing its activities really want it, they can get involved in meaningful work on its text and stop dealing in political propaganda.

The President: I will now make a statement in my capacity as the representative of Italy.

Italy supported the draft resolution put forward by Japan (S/2017/970) and would like to thank the Japanese delegation for its effort. We have already affirmed many times, including in this Chamber yesterday, the importance we attach to the global non-proliferation architecture and to ensuring accountability for violations of its norms. In our view, the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) is a crucial tool in that regard, and we are not ready to simply accept that its existence is over. We are once again disappointed in the result of the vote. We have until midnight. If there is even the slightest chance of renewing the JIM's mandate by then, we will work constructively to draft that last chance. Otherwise, we will continue striving to find agreement on an issue of crucial importance to us all and to the Council's ability to fulfil its responsibilities. Italy also supports Sweden's proposal in that regard.

I now resume my functions as President of the Council.

There are no more speakers inscribed on the list of speakers. I now invite Council members to informal consultations, as requested by Sweden, to continue our discussion on the subject.

The meeting rose at 7.05 p.m.